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April 17, 2012

VIA ECF AND FEDEX

Hon. Sandra J. Feuerstein, U.S.D.J.
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722-4438

Re: Luis Alberto Chiari v. New York Racing
Association, Inc.
Case No. 12-Civ-00598 (SJF)(AKT)

Dear Judge Feuerstein:

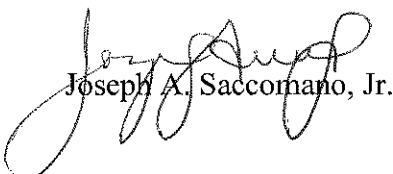
We represent Defendant, New York Racing Association, Inc., in the above matter. Based on the "*Notice and Acknowledgement of Receipt of Summons and Complaint by Mail*" mailed to Defendant by the United States Marshall Service, Defendant's response to Pro Se Plaintiff's Complaint is due by May 11, 2012.

As the Court is aware, Plaintiff commenced this action against Defendant for alleged violations of the Americans with Disabilities Act ("ADA"), the Consolidated Omnibus Budget Reconciliation Act ("COBRA"), and the collective bargaining agreement between Defendant and the union representing Plaintiff's employment prior to his discharge. A review of the Court's docket reveals a February 16, 2012 Order of this Court (which was not served on Defendant with the Complaint) which states, in relevant part, that "plaintiff's ADA claim is dismissed without prejudice unless he files the right to sue letter with this Court by **March 9, 2012 at five o'clock in the afternoon (5:00 p.m.)**." (Emphasis in original). There does not appear to be any further entries on the ECF docket that Plaintiff was able to comply with this Order, and Defendant is not aware of any filings by Plaintiff with the EEOC. Based on the foregoing, unless otherwise notified by the Court, Defendant will take the position that the ADA claim alleged in the Complaint has been dismissed and will not require a response by Defendant.

We thank the Court for its attention to this matter.

Very truly yours,

JACKSON LEWIS LLP



Joseph A. Saccomano, Jr.

JAS:td

cc: Luis Alberto Chiari, Plaintiff *Pro Se*, 290 Tree Road, Centereach, New York 11720